



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,683	06/11/2001	Limor Schweitzer	XACTP006	4994

28875 7590 06/26/2007
Zilka-Kotab, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

EXAMINER

MILEF, ELDA G

ART UNIT	PAPER NUMBER
----------	--------------

3692

MAIL DATE	DELIVERY MODE
-----------	---------------

06/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/879,683

Applicant(s)

SCHWEITZER, LIMOR

Examiner

Elda Milef

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) 2, 4-7, 14, 16-19 and 29 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 8-13, 15, 20-28 and 30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1,3, 8-12, 27, 28, 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re claim 1: This claim is indefinite for the following reasons:

(a) The claim recites the limitation "the information" in line 9. There is insufficient antecedent basis for this limitation in the claim. Is this limitation referring to received information or shipping information?

(b) The meaning of the limitation "wherein the site sends the information..." is unclear. Where is the information being sent?

Claims 3, 8-12, 27, 28, 30 are rejected because of their dependency to the rejected claims.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1, 8-11, 13, 20-23, 25-28, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen (U.S. Patent No. 5,905,736) in view of Egendorf (U.S. Patent No. 5,794,221) in further view of Foster (U.S. Patent No. 6,332,134).

Re claims 1, 13, 25: Ronen disclose a method, computer program product, and system comprising:

receiving information utilizing a network, wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due ("the ISP transmits to the billing platform the IP address identity of the user making the transaction and the cost associated with the transaction")-see col. 2 lines 13-16;

identifying an account using at least a portion of the IP address; and administering payment for the payment due by billing against the account; wherein the receiving, the identifying, and administering are carried out by a network service provider. ("The billing server then cross-references the IP address associated with the cost...with the IP address/transaction received from the ISP to properly charge an established account of the user for the transaction...")-see col. 2 lines 16-30, cols. 3-4 and ("In parallel with the ISP providing service to the user..., the ISP signals the transaction server to bill the account associated with the IP address to which the ISP is providing service... the transaction server bills that account...")-see col. 7 lines 61-67 and ("IAP" Internet access provider) cols. 2-9, and Abstract.;

wherein user data is identified based on the received information, and the user data is sent to a site ("Before completing the transaction, therefore, the accessed ISP, such as ISP 106, communicates with the transaction server 109 to determine whether that IP address has an established billing entry to which charges for the transaction can be forwarded and recorded. Such communication can take place over a dedicated private link 117 between ISP 106 and transaction server 109, or over a secured Internet link...If such an entry exists on database

110, ISP 106 is signaled over the secured link, to authorize the transaction...")-see col. 5 lines 52-67; cols. 2, 5, 6;

wherein the site sends the information in response to the user carrying out a transaction using the site ("In response to a chargeable transaction with an ISP, the ISP transmits to the billing platform the IP address of the user making the transaction and the charge for the transaction")-see Abstract, col. 2 lines 5-30;

wherein a uniform resource locator (URL) link is provided to the user from the site, where the URL allows the user to give permission for the payment to be administered ("If no billing mechanism has been established, then at step 218 (in FIG. 4), the ISP sends the user a URL to an HTML page for selecting a billing mechanism...the billing mechanism will include the user's desired method or methods of billing, and any parameters that define when a particular billing method is to be applied.")-see col. 7 lines 34-40, FIGS. 2-4,

and, in response to the user giving the permission, the site receives confirmation ("At decision step 214, if the presence of a billing mechanism is confirmed, at step 223, the ISP receives confirmation from the transaction server and provides the requested service to the user, the latter including delivery of the requested information, the downloading of

'Art Unit: 3692

requested software, or a confirmation of an order...")-see col. 4 lines 52-67.

Although Ronen discloses a confirmation received from the transaction server, Ronen and Egendorf do not specifically disclose that the site is provided with a confirmation number and shipping information of the user and the user is provided with the confirmation number. Foster however, teaches a financial transaction system conducted using the Internet which discloses ("The message to the cardholder, shown at path 216 may be an order confirmation number or indication that the order is to be placed. The message to the merchant includes a unique order number and a pre-registered shipping address or an authorized alternate shipping address, as shown at path 218...")-see col. 8 lines 42-63 and cols. 7-8. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ronen and Egendorf to specifically include that the merchant is provided with a unique order number and a shipping address of the user and that the cardholder is provided with an order confirmation number as taught by Foster in order to inform the merchant that the product can be shipped and will be paid for by the customer and to inform the customer that the financing for the product has been approved and the order has will be processed by the merchant.

Although Ronen disclose the purchasing of goods that will later be delivered by conventional transport means-see col. 1 lines 1-19, and ("These ISPs can also offer the user the ability to order tickets, or tangible goods from a retailer or Internet-order company associated with the ISP, or from a plurality of different such companies...")-see col. 3 lines 33-37, Ronen do not specifically disclose wherein the user data includes shipping information. Egendorf however, teaches an Internet billing method comprising the establishment of an agreement between an Internet access provider, customer, vendor and ("address supplied by the customer for shipment of the goods...")-see col. 4, lines 1-6. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ronen to specifically include that user data includes shipping information as taught by Egendorf in order for the vendor to ship products to the correct user destination. Furthermore, Ronen discloses the purchasing of goods that will later be delivered by conventional transport means. It is obvious that in order for goods ordered online to be shipped to a consumer, the consumer must provide shipping information.

Re claims 8, 11, 20,23: Ronen disclose limiting the administration of payment based on a rule and wherein the

account is a debit account-see col. 7 lines 37-40, Fig. 1 (120-3).

Re claims 9 and 10: Ronen do not specifically disclose collecting a fee from the site and the fee is a percentage of the payment due. Egendorf however, teaches ("The provider then bills the transaction amount to the customer and remits a portion of the transaction amount to the vendor, keeping the differential as a fee for providing the service")-see Abstract, and col. 4, lines 18-22. Official notice is taken that it is old and well known in the art of e-commerce that a fee is a percentage of payment due. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ronen to include charging a fee as a percentage of payment due as taught by Egendorf and is old and well known, in order for the provider to generate income from the services provided to the vendor and consumer.

Re claims 21, 22: Further a computer program product would have been necessary to perform the method of previously rejected claims 9 and 10 and are therefore rejected using the same art and rationale.

Re claim 26: Ronen disclose: (a) providing a link to a site on a network where a business transaction is occurring; and (b) receiving information from the site at a third party location

during the transaction wherein the information includes an Internet Protocol (IP) address of a user and an amount of payment due -see cols 1-2. The remaining steps have similar limitations found in claims 1, 8, 9 above, and therefore are rejected by the same art and rationale.

Re claim 27: Ronen disclose wherein the information is received from a combination of the user and a site, where the information is received from the site in response to the user carrying out a transaction using the site.-see col. 2.

Re claim 28: Ronen disclose wherein the account is identified utilizing a database which links the information with a corresponding account. -see col. 2 lines 16-30, cols. 3-4.

Re claim 30: Ronen disclose wherein the rule identifies at least one category in which goods or services are permitted to be purchased.-see col. 4, in particular parameters of billing and the billing choice and Table 1.

3. Claims 12, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen, Egendoirf, and Foster in further view of Wilf et al. (hereinafter Wilf, U.S. Patent No. 5,899,980).

Art Unit: 3692

Re claim 12: Ronen, Egendorf, and Foster do not specifically disclose wherein the steps are carried out by a financial institution offering credit with credit cards in conjunction with a network service provider. Wilf however, teaches ("The STSP, the customers, the vendors and the ISPs receive financial services from one or more financial service providers...")-see col. 7 in particular, lines 26-33. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ronen, Egendorf, and Foster to include a financial service provider offering services as taught by Wilf in order to provide the customer with convenient payment options.

Re claims 24: Further a computer program product would have been necessary to perform the method of previously rejected claims 12 and are therefore rejected using the same art and rationale.

4. Claims 3,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ronen, in view of Egendorf, in view of Foster, in further view of Stewart (Stewart, John. *Connecting with Confidence*. Web Techniques. San Francisco: Apr 2000. Vol. 5, Iss. 4; pg. 84, 4 pgs.

Re claim 3: Although Ronen refers to identifying information relating to a customer such as an internet address - see col. 2, Ronen does not specifically disclose wherein the information further includes port numbers.

It is well known in the art as evidenced by Stewart, that port numbers are a way to identify a specific process to which an internet message is to be forwarded when it arrives at a server. ("The rules are simple: Control which machines (using IP addresses) can talk to one another on what services [using network port numbers].")-see p. 3, para. 2. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include identifying a transaction by using a port number, as was taught by Stewart in order to control the transfer of information over the Internet.

Re claim 15: Further a computer program would have been necessary to perform the method of previously rejected claim 3 and is therefore rejected using the same art and rationale.

Response to Arguments

5. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Keizer, Gregg. "Hammer Time!" PC World.COM. San Francisco: Jun 1, 2000. pg. 1.-cited per request of the applicant to show support for the Official Notice taken by the Examiner regarding the calculation of a fee as a percentage the payment due (claims 10 and 22).

US PG. Publication No. 2002/0069165 (O'Neil)-cited for its reference to a network-based server providing both the merchant and the user with payment confirmation.

US Patent No. 6,012,088-cited for its reference to an account ID that will be used to access a customer's unique configuration record on a server identified by the IP address.

US Patent No. 5,845,267 (Ronen)-cited for its reference to a session manager translating the Connection ID to a corresponding IP address which, in turn, is translated into a user's ID from which the user's account is accessed at the Billing Platform.

US Patent No. 7,069,249 (Stolfo et al.)-cited for its reference to the electronic purchase of goods over a communication network including IP address of the customer,

shipping address, confirmation number, provider fee for service, financial approval of a transaction.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elda Milef whose telephone number is (571)272-8124. The examiner can normally be reached on Monday -Thursday 8:30 am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Elda Milef
Examiner
Art Unit 3692


JAMES A. KRAMER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

6/18/07